



U.S. Department of Justice

United States Attorney
Southern District of New York

June 15, 2023

VIA ECF

The Honorable John P. Cronan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Reclaim the Records et al., v. U.S. Dep't of State*, 23-cv-01650 (JPC)

Dear Judge Cronan:

This Office represents the U.S. Department of State (the “DOS”) in the above-referenced action brought under the Freedom of Information Act (“FOIA”). We write jointly with Plaintiffs Reclaim the Records and Alec Ferreti (“Plaintiffs”) to provide the Court with a status update pursuant to the Court’s May 18, 2023 Order. *See* ECF No. 12.

The DOS is still assessing whether, and to what extent, it may be able to process Plaintiffs’ request for “[a]n extract of all information for deceased passport holders maintained in the passport database.” More specifically, the DOS is assessing the potential extraction of core fields of information (including first name, last name, passport issuance date, passport expiration date, address, and date of birth) for individuals with passport records stored in the DOS passport database with a birthdate on or before June 12, 1923. This assessment involves multiple DOS subcomponents, and as a result, the DOS requires additional time to respond to Plaintiffs’ latest inquiry. The DOS has agreed to provide Plaintiffs with a further update by the end of June.

Because this is a FOIA case, we anticipate that this matter will either be resolved consensually, or through motions for summary judgment on any issues the parties are unable to resolve. We therefore respectfully request that: (1) the parties be given an additional thirty days to work together to resolve this matter without the Court’s intervention; and (2) the parties be required to provide the Court with a written status update on or before July 19, 2023. If the parties agree upon the scope of the requested search, we will negotiate a production schedule and advise the Court of same. If we reach an impasse as to the scope of the requested search, we will propose a briefing schedule for motions for summary judgment.

We thank the Court for its consideration of this letter.

Respectfully,

BELDOCK LEVINE &
HOFFMAN LLP
Attorney for Plaintiffs

By: /s/ Jeff Kinkle
Jeff Kinkle
99 Park Avenue, PH/26th Floor
New York, New York 10016
Tel: (212) 277-5824
Jkinkle@blhny.com

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Rebecca L. Salk
REBECCA L. SALK
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-2614
Rebecca.Salk@usdoj.gov